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From: Turley, Jennifer
Sent: Mon 8/10/2015 2:37:33 PM
Subject: Water Law News for August 10, 2015



Water Law News for August 10, 2015

**Bloomberg Daily Environment Report™
BNA**

Chesapeake Bay

[Bay Farm Group Seeks 'Regionally Neutral' Nutrient Plan](#)

A coalition of farmers operating on the land east of the Chesapeake Bay will work with the entire agriculture community to reduce nutrient runoff enough by 2025 to result in a "regionally neutral" pollution impact on Chesapeake Bay....

Climate Change

[Eroding Permafrost Carbon Transferring to Arctic Ocean: Study](#)

Canada's Mackenzie River can erode soils along its path, some from places where Arctic permafrost is melting and wash that biosphere-derived material and the organic carbon within it into the Arctic Ocean, preventing the degradation...

Enforcement

[China Ramps Up Air, Soil, Water Pollution Monitoring](#)

China's environmental authorities assessed 236 million yuan (\$38 million) in daily accumulating penalties in 292 separate cases in the first half of 2015, the Ministry of Environmental Protection reported Aug. 7....

Enforcement

[Clean Water Act Violations Cost Caltrans, Contractor](#)

California's Department of Transportation and a construction company will pay a combined \$160,000 for illegally discharging sediment, diesel fuel and other contaminants to Shasta Lake, under a pair of proposed settlements with the...

Mining

[EPA Triggers Mine Waste Release Into Animas River](#)

The Environmental Protection Agency accidentally triggered a 1 million gallon release of toxic mine waste water into a tributary of the Animas River in southwest Colorado, sending an orange-tinted pulse of contaminated water, sediment...

Oceans

China Falling Short of Desalination Rate Goals

China is less than halfway to reaching its goal of desalinating 2 million cubic meters of seawater a day by the end of 2015, according to a report the State Oceanic Administration (SOA) released Aug. 6. ...

Oil Spills

N.J. Ruling Tanks Neighbor's Oil Migration Case

A New Jersey homeowner is out of luck after the New Jersey Supreme Court rejected his tort claims stemming from a heating oil spill that migrated from a neighbor's underground tank and damaged his property (Ross v. Lowitz, 2015 BL 252147, ...

Pipeline Safety

Activists Urge Inspections of Offshore Calif. Pipelines

An environmental advocacy group asked federal regulators to inspect all pipelines in federal and state waters off the coast of California....

Pipeline Safety

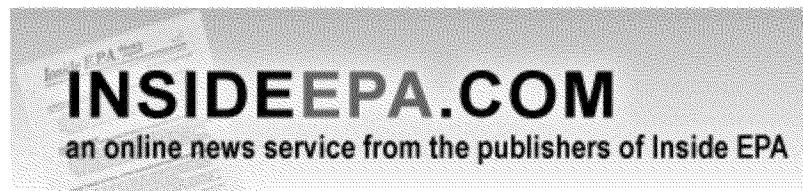
PHMSA Outlines Work to Address Pipeline Response Gaps

Improvements in training, engagement and leveraging of existing resources are under way to address gaps in pipeline emergency response efforts, federal regulators told Congress....

Water Pollution

D.C. Proposes Stormwater Cleanup Deadline of 2154

The District of Columbia proposed a cleanup plan that gives the city 139 years to eliminate illegal discharges from its municipal separate stormwater system (MS4). ...



Inside EPA's **Water Policy Report**, 08/10/2015

<http://insideepa.com/newsletters/water-policy-report>

Latest News

SAB Urges More State, Utility Involvement In EPA Drinking Water List

EPA's Science Advisory Board (SAB) is urging EPA to gather data from a wider variety of sources when evaluating which contaminants should be considered for regulation under the Safe Drinking Water Act (SDWA), raising concerns in a new draft report that the agency relies too heavily on the public to submit new contaminant recommendations.

News Briefs

Senate Approves EPA Cyanotoxin, Estuary Program Bills

The Senate has unanimously approved a pair of Clean Water Act (CWA) bills reauthorizing EPA's National Estuary Program (NEP) and directing the agency to quickly craft a strategic plan to deal with cyanotoxin contamination of drinking water from algal blooms, advancing the measures to President Obama for his signature.

EPA Proposal Aims To Streamline Tribal WQS Process

EPA is proposing to streamline the process for tribes to apply for federal approval under the Clean Water Act (CWA) to set water quality standards (WQS), which the agency says could result in more tribes setting WQS by eliminating a requirement that tribes demonstrate authority to regulate waters under common law.

Greenwire

WATER pollution:

EPA accidentally causes massive spill in Colo. river

Phil Taylor, E&E reporter

Published: Friday, August 7, 2015

This story was updated at 2:04 p.m. EDT.

A U.S. EPA team investigating mining contamination in southwest Colorado on Wednesday morning accidentally triggered a massive release of rust-colored wastewater into Cement Creek, threatening drinking water, fish populations and paddling on the Animas River that flows south into Durango.

EPA estimates the "blowout" at the Gold King Mine north of Silverton in San Juan County released about 1 million gallons from behind unconsolidated debris near an abandoned mine portal.

There were several EPA workers on site at the time of the incident, but none was harmed, the agency said.

The San Juan County Board of Health and Sheriff's Office yesterday said they "strongly advise" the public to avoid contact with water in Cement Creek and the Animas.

It is still unclear whether the spill will harm downstream aquatic wildlife, including brown and rainbow trout, south in Durango.

According to a [report](#) in *The Durango Herald*, EPA personnel were using a track hoe and other heavy equipment to clear dirt from in front of the mine in order to install a pipe to pump out contaminated water. But workers soon realized there was more water under pressure than they'd expected.

"This unfortunate incident underscores the very reason EPA and the State of Colorado are focused on addressing the environmental risks at abandoned mine sites," David Ostrander, director of EPA's emergency response program in Denver, said in a statement yesterday. "We are thankful that the personnel working on this mine cleanup project were unharmed. EPA will be assessing downstream conditions to ensure any impacts and concerns are addressed, as necessary."

The San Juan Mountains region was heavily mined between 1871 and 1991, leaving many waterways, including Cement Creek, inhospitable to fish. Surveys show the 2 miles of the Animas downstream of the creek are also devoid of fish, and there have been precipitous declines in fish populations as far as 20 miles downstream since 2005, EPA said.

The river upstream of Durango normally runs a deep green color but as of yesterday took on the color and thickness of carrot juice, Jonathan Thompson, a senior editor with environmental magazine *High Country News* who lives in Durango, told KUNC.

Joe Lewandowski, a spokesman for Colorado Parks and Wildlife, said state officials have placed four cages of fish in the Animas in Durango, which is about 50 air miles south from the spill, to see how they handle the runoff.

While fishing opportunities are marginal due to the region's historical mining pollution, Lewandowski said "this kind of runoff is obviously not good for aquatic insects or any kinds of aquatic life."

The spill will not affect drinking water in San Juan County, said Willy Tookey, the county administrator. The county's roughly 700 residents get their drinking water from Bear and Boulder creeks, which is a separate drainage.

The city of Durango yesterday said tap water remains safe for residents. The city of roughly 17,000 stopped drawing water from the Animas on Wednesday, and is instead relying on water from the Florida River, which was not affected by the spill.

"However, the water taken from the Florida River is not enough to meet the daily demands during the summer months and is usually supplemented with water from the Animas River," the city said. "Because the City will not begin pumping water from the Animas River until notified that it is safe to do so, we are asking residents to immediately take steps to reduce their water usage and discontinue all outdoor watering until further notice."

The Animas flows south toward Farmington, N.M., where it joins the San Juan River and turns northwest into Utah, eventually emptying into Lake Powell. Contaminated water was approaching the New Mexico state line as of late morning, according to a report from the Associated Press.

Megan Crandall, a spokeswoman for the Bureau of Land Management in Utah, which manages recreation on the San Juan, said there are five rafting groups scheduled to put in to the river today and that rangers are trying to contact them to warn of the spill. She said it is unclear when the pulse of mining waste will arrive.

"We are strongly recommending that recreationists avoid recreating in or on that portion of the San Juan until we know more, and at the very least until that pulse of mine waste passes," she said. Groups that do decide to raft should bring extra water to wash their dishes, rather than use river water, Crandall said.

EPA yesterday said water was still flowing from the Gold King Mine, but at a slower rate. It said water sampling has occurred, though results are still pending. It is also monitoring pH levels and other water quality parameters.

EPA's work at Gold King is part of a larger project to reduce the flow of heavy metals from the nearby Red and Bonita Mine to the Animas, according to an EPA fact sheet in May.

The agency began working on a bulkhead -- a "massive plug" -- to control the discharge of contaminated water coming out of the Red and Bonita Mine, which is a significant source of zinc in the river. Once filled with water, the mine workings would be denied the oxygen needed to contribute to acid production and leaching metals, EPA said.

"Along with this work, EPA also plans to remove the blockage and reconstruct the portal at the Gold King Mine in order to best observe possible changes in discharge caused by the installation of Red and Bonita Mine bulkhead," the fact sheet said. "The Gold King Mine is the closest mine to the Red and Bonita Mine and is located higher on the mountain. Entry into the Gold King Mine workings will depend on the conditions encountered following portal construction."

EPA:

Former spokeswomen head to Apple, Clinton camp

Robin Bravender, E&E reporter

Published: Friday, August 7, 2015

Two former U.S. EPA spokeswomen are leaving the Obama administration for new gigs with Apple and Hillary Clinton's presidential campaign.

Alisha Johnson, who has been a spokeswoman for EPA and the State Department, is leaving the administration for "an opportunity in the private sector," she said in an email yesterday.

PEOPLE

Johnson will be heading to Apple Inc.'s headquarters in Cupertino, Calif., where she'll be working with her former boss, ex-EPA chief Lisa Jackson, a source told *Greenwire*.

Since leaving EPA last year, Johnson has been the point person for communications on climate change issues and the contentious Keystone XL pipeline project. She worked in EPA's press shop from 2010 until 2014 ([Greenwire](#), Sept. 12, 2014).

Another EPA communications veteran, Betsaida Alcantara, will be starting next month as director of media planning for Clinton's campaign.

Alcantara's most recent administration gig was as a senior communications adviser to Housing and Urban Development Secretary Julián Castro. She was also communications director at the General Services Administration from 2012 until 2014 and worked in EPA's press office from 2009 until 2012.

CALIFORNIA:

Visitors find buried items as lakes drain

Published: Friday, August 7, 2015

Across the West, lakes' declining water levels are creating new opportunities for visitors to view sights not normally available.

Water levels at Lake Isabella in Kern County, Calif., are down 59 feet since 2011. And at Lake Mead, the National Park Service is granting permits to visit the old Mormon settlement of St. Thomas and for divers to explore a B-29 bomber that crashed in the lake in 1948.

People also have found a federal agent's gear and gold mining and railroad equipment.

"You see this all over the West," said Jon Christensen, a historian with UCLA's Institute of the Environment and Sustainability. "It is an eerie way of revealing both our history and our possible fate" (Javier Panzar, [Los Angeles Times](#), Aug. 6). -- SP

MARINE POWER:

DOE doles out \$7M funds to lower cost of wave energy

Katherine Ling, E&E reporter

Published: Friday, August 7, 2015

The Energy Department yesterday announced more than \$7 million in grants for projects that optimize wave energy power to make it an affordable energy resource.

Companies have been pursuing commercial wave energy for many years as oceans offer a dense energy source that's nearly constant, easy to forecast and plentiful near densely populated coastal areas with the highest electric demand. But companies have yet to create equipment that can survive the harsh conditions of the ocean while also being cost competitive with other generation.

DOE provided part of these new funds to a team led by Re Vision Consulting LLC, which will create an optimal control system that can forecast ocean conditions to improve three different types of wave energy converter devices from Ocean Energy USA LLC, Resolute Marine Energy and CalWave at the University of California, Berkeley.

Pennsylvania State University and Verdant Power will use DOE's grant to develop a cheap, single-piece composite turbine that can self-diagnose problems in the mechanical and electrical systems and alert operators before there is a problem.

Virginia Tech, Resolute Marine Energy and the National Renewable Energy Laboratory with other partners will take the DOE funds to test a new solution that can convert alternating current to direct current, improving the efficiency of energy conversion or "power take-off" systems.

NREL will also help Dehlsen Associates LLC, Oregon State University and other companies develop a generator that can actively control the timing between the force and velocity of the wave energy converter device, boosting the capture of the wave power.

While the industry is still in the early stages and behind another ocean resource -- tidal power -- it has had some successes. Earlier this year, Carnegie Wave Energy Ltd. launched the world's first commercial-scale, grid-connected wave energy project to operate multiple wave units (*E&ENews PM*, Feb. 18).

OIL AND GAS:

Group wants more inspections of Calif. offshore pipelines

Published: Friday, August 7, 2015

An environmental group wants the federal government to immediately check more than 200 miles of undersea oil pipelines off the California coast.

The Center for Biological Diversity said it's likely extensive corrosion has occurred, which could have caused an onshore pipeline to burst near Santa Barbara earlier this year, leading to the largest oil spill in the region in more than four decades.

The pipeline, operated by Plains All American Pipeline, is decades younger than some of California's other oil infrastructure, the group said.

CBD delivered the petition to the Transportation Department's Pipeline and Hazardous Materials Safety Administration and the Interior Department's Bureau of Safety and Environmental Enforcement.

BSEE spokesman Greg Julian said the agencies were reviewing the request (Steve Gorman, *Reuters*, Aug. 6). -- **SP**

FEDERAL WORKFORCE:

2 GSA employees wield vast power over office temperatures

Published: Friday, August 7, 2015

Two men who work at the General Services Administration wield power over thermostats in thousands of federal buildings.

Amid recent debate over how office thermostats are set -- and whether temperatures were determined under an outdated formula deemed comfortable for men without considering women's preferences -- Kevin Kampschroer and Steve Sakach say they have been listening closely.

Sakach, GSA's head of facilities management, compared the debate to popular films.

"What I thought of as soon as I heard this was, this is 'When Harry Froze Sally,'" he said. "But that's not quite the movie we're playing. It's really, 'It's Complicated.'"

Sakach said with the average federal building 47 years old, adjusting the air conditioning at these facilities is not easy.

That means that federal buildings operate air conditioning in 5-degree ranges with regional adjustments to account for varying climates.

Still, 60 percent of federal employees said they were satisfied with the temperature at their office, according to a GSA survey -- but Sakach and Kampschroer say they're hopeful this will change.

"Give us a chance," Sakach said. "There are things we can do" (Lisa Rein, *Washington Post*, Aug. 7). -- SP

WATER POLLUTION:

Spills of mine tailings more frequent and expensive -- report

Manuel Quiñones, E&E reporter

Published: Friday, August 7, 2015

Mine waste spills have become more common and costly despite improved mineral extraction technology, a nonprofit mining watchdog says.

The report released recently by Earthworks maintains that technology improvements are spurring rather than reducing the number and magnitude of spills at tailings dams.

"The Mining Metric creating this exponentially increasing consequence in the event of a tailings dam failure, is driven by continuously lower grades in identified resources and continuously falling real prices of most metals," the paper says.

"The costs to excavate more material for a ton of end product at a lower price has been made possible through technology improvements in milling and concentration processes, bulk mining and economies of scale."

Earthworks' report is aimed at heightening scrutiny of tailings impoundments.

Last year, more than 20 million cubic meters of mine waste spilled from Imperial Metals Corp.'s Mount Polley copper, gold and silver mine in British Columbia.

"More mining waste disasters like Mount Polley are inevitable," said David Chambers, a report co-author and director of the Montana-based Center for Science in Public Participation. "If mining practices continue as usual, we are going to see more severe spills, more frequently, that will cost the public hundreds of millions to billions of dollars to clean up."

The report says fewer tailings spills in recent decades may lead people to believe modern mining practices are making a difference. But the paper also points to a trend of more serious and very serious failures since 1960.

Almost half of all serious tailings dam failures that have happened between 1940 and 2010 occurred after 1990, the paper says. More than a dozen spills, it says, were large enough to cause significant environmental problems or loss of life.

"Our research shows that most catastrophic failures of tailings dams are the result of poorly informed, consciously made business and management decisions by miners who then refuse to accept the public loss and consequence of those decisions," co-author Lindsay Newland Bowker said.

An independent report of the Mount Polley spill blamed design problems and called for more scrutiny of tailings dumps. It says business as usual could lead to more spills (*Greenwire*, Feb. 6).

Mining Association of Canada CEO Pierre Gratton said companies were already looking into their tailings impoundments. And he said changes may be in order according to the report's recommendations.

"The tailings dam failure at the Mount Polley mine was an unfortunate incident that has been taken seriously by the entire industry," Gratton said in an interview. "While a necessary component of mining, tailings facilities create risks that need to be effectively managed."

Companies have pointed to efforts at reducing or managing mine tailings, including drying waste to avoid spills and filling mine pits or tunnels with it.

Earthworks and other groups have protested permitting for mines on both sides of the border, including Toronto-based Seabridge Gold Inc.'s Kerr-Sulphurets-Mitchell and Imperial Metals' Red Chris copper and gold projects (*Greenwire*, June 24).

Separately, San Juan Corp. yesterday reported the release of polluted water from its Gold King mine in Colorado. The company pointed to a disturbance from a U.S. EPA investigation related to mine pollution.

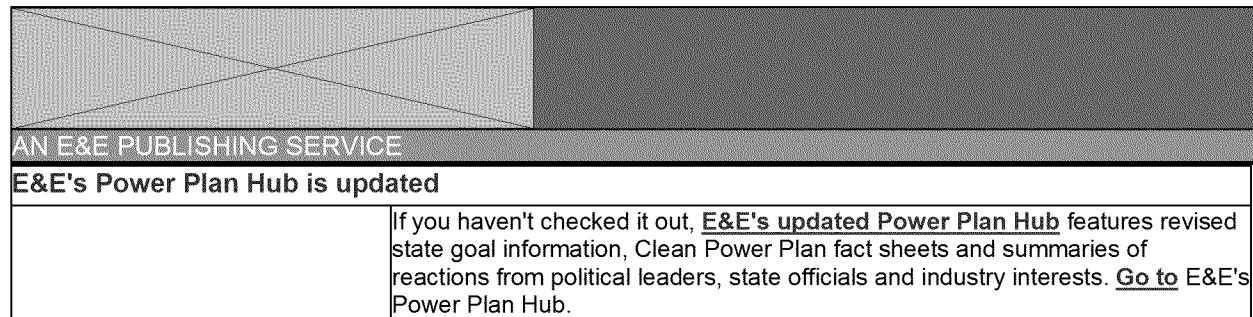
WATER POLICY:

Greenwire's Snider on leaked memos' impact on Hill, in court

Published: Friday, August 7, 2015

How could leaked memos signaling concerns at the Army Corps of Engineers about the final U.S. EPA-Army Waters of the U.S. rule affect anticipated legal challenges to the regulation? On today's *The Cutting Edge*, *Greenwire* reporter Annie Snider discusses her latest reporting on the fallout from the release of the memos.

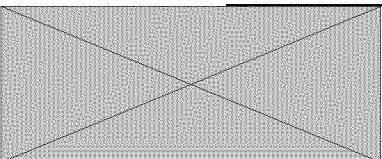
[Click here](#) to watch E&ETV's *The Cutting Edge*.



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E&E's Power Plan Hub is updated

If you haven't checked it out, [E&E's updated Power Plan Hub](#) features revised state goal information, Clean Power Plan fact sheets and summaries of reactions from political leaders, state officials and industry interests. [Go to E&E's Power Plan Hub.](#)



CLIMATEWIRE — Mon., August 10, 2015

[READ FULL EDITION](#)

1.EXTREME WEATHER:

Deadly typhoon smashes into China after damaging Taiwan

HONG KONG -- A powerful typhoon hit China this weekend, killing over a dozen and forcing hundreds of thousands of people to evacuate. Typhoon Soudelor -- named after a legendary Pohnpeian chief -- made landfall late Saturday in Putian of Fujian province along China's east coast, with maximum sustained wind of 86 mph, according to the China Meteorological Administration.

2.NATIONS:

Concerns mount as Australia decides its greenhouse gas emissions targets

Climate change activists are glumly anticipating the announcement tonight of Australia's new greenhouse gas emissions target, which many say is sure to be weak and could even dampen hopes for an ambitious global climate change agreement.

TODAY'S STORIES

3.RESOURCES:

How demographic shifts spread shrubs and trees in central Texas -- study

4.REGIONS:

Solar power begins to surge in Latin America, mostly without subsidies

5.NATIONS:

U.S. will help Indonesia lower its greenhouse gas emissions

6.ADAPTATION:

New research initiative aims at making cities more resilient to climate change

7.SCIENCE:

Rivers may slow CO2 release from Arctic permafrost -- study

8.EXTREME WEATHER:

Texas heat wave strains power grid

9.TRANSPORTATION:

Self-driving vehicles zoom off with state support

10.CALIFORNIA:

Governor warns of global warming's 'new normal' at site of massive blaze

11.FOSSIL FUELS:

Welsh council rejects coal mine application

E&E INTERACTIVE

12.CLEAN POWER PLAN:

E&E launches updated Power Plan Hub

E&ETV'S ONPOINT

13.CLEAN POWER PLAN:

NRDC's Doniger pushes back on legal arguments against rule

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ENERGYWIRE — Mon., August 10, 2015

 [READ FULL EDITION](#)

1.ELECTRICITY:

Triple-digit temps and record demand? No problem yet for Texas grid operator

HOUSTON -- The expanding patches of brown grass and sweltering conditions here leave no doubt: a real Texas summer has arrived. After a deluge of rain and milder weather earlier in the year, triple-digit temperatures have descended with a vengeance on Texas and fueled record electricity demand. But Texas just doesn't seem overly worried about power supplies at the moment.

TOP STORIES

2.SECURITY:

How to hack 'like in the movies'? It takes patience, luck and maybe a 'stripper'

3.ECONOMY:

Budget headaches ahead for 8 oil- and gas-dependent states

4.PEOPLE:

Interior's Alaska adviser has deep roots with Arctic Council

OIL AND GAS

5.OIL MARKETS:

Companies reeling from price bust struggle to reset operations

6.FINANCE:

Master-limited partnerships lose their luster as value slides

7.FINANCE:

Billionaire grabs 8.2% stake in LNG company

8.OIL PRICES:

Marathon CEO claims company can profit amid sluggish market

ELECTRICITY

9.PEOPLE:

Ohio utility restructures under cost-cutting initiative

10.PEOPLE:

PG&E announces new hires in regulatory affairs, information technology

11.ELECTRICITY:

Wis. utility wants state to block 2 new gas plants

E&E INTERACTIVE

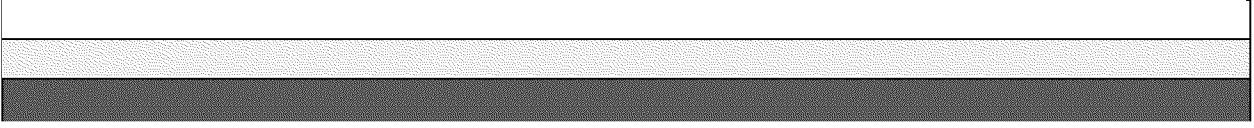
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NRDC's Doniger pushes back on legal arguments against rule



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